

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No.: 17-5217(DSD/HB)

Lorenzo C. Haynes,

Plaintiff,

v.

**ORDER**

Samuel Iten, Correctional Officer;  
Ken Guggisberg, Sgt. Correction  
Officer; Nola Karow, Health Service  
Administrator-Faribault; Jeffrey  
Felt, M.D., Physician; Diane Dau,  
Health Service Administration-  
Stillwater; Brent Plackner, P.A.,  
Physician's Assistant; and Daryl  
Quiram, M.D., Physician,  
in their individual and official  
capacities,

Defendants.

This matter is before the court upon the report and recommendation of Magistrate Judge Hildy Bowbeer, dated October 18, 2018 (R&R). The magistrate judge recommended that the court grant defendants Samuel Iten's, Ken Guggisberg's, Nola Karow's, and Diane Dau's motion to dismiss. No objections to the R&R have been filed within the time period permitted. Under these circumstances, the court finds it appropriate to adopt the R&R.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R [ECF No. 150] is adopted in its entirety;
2. The motion to dismiss [ECF No. 124] is granted;
3. Plaintiff's claims raised under 42 U.S.C. § 1983 against defendants Samuel Iten, Ken Guggisberg, Nola Karow, and Diane Dau in their official capacities are dismissed under Rule 12(b)(1);

4. Plaintiff's gross negligence claims raised under 42 U.S.C. § 1983 against defendants Samuel Iten and Ken Guggisberg in their individual capacities are dismissed under Rule 12(b)(6);

5. Plaintiff's deliberate indifference to a serious medical need claims raised under 42 U.S.C. § 1983 against defendant Diane Dau in her individual capacity are dismissed under Rule 12(b)(6); and

6. Plaintiff's discrimination claims raised under 42 U.S.C. § 1983 and the Minnesota Human Rights Act against defendants Samuel Iten, Ken Guggisberg, Nola Karow, and Diane Dau in their individual capacities are dismissed under Rule 12(b)(6).

Dated: November 9, 2018

s/David S. Doty  
David S. Doty, Judge  
United States District Court